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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

In re JEREMY S., a Person Coming Under
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

JEREMY S.,

Defendant and Appellant.

C042698

(Super. Ct. No.
JV101304)

This is an appeal by Jeremy S., a minor, challenging the juvenile court's order that he pay \$1,245 in restitution. We shall reverse the order.

PROCEDURAL FACTS

Jeremy S., a ward of the juvenile court, was continued on home probation following his admission of falsely identifying himself to a police officer. His probation required, inter alia, service of 60 days on an electronic monitoring program. The minor signed a receipt acknowledging his responsibility for the monitoring equipment.

The probation officer filed a progress report stating that the minor had completed the electronic monitoring program on August 2, 2002. However, the report went on to state that on August 8 the minor's mother had called and reported that Douglas Compton, the father of the minor's girlfriend with whom the minor was living, had come home intoxicated and damaged the monitoring box beyond repair. The probation officer recommended the minor pay restitution in the amount of \$1,245. The court scheduled a contested restitution hearing.

At the hearing, based upon unsworn statements, it was argued that the minor was not liable because Compton, not the minor, had destroyed the monitoring box. The court ruled that notwithstanding who damaged the box, it was the minor's responsibility to return it in the same condition he received it. The court found the minor "will be responsible for the restitution in the amount of \$1,245, paid jointly and severally . . . with his parents or guardian"

DISCUSSION

Restitution in juvenile wardship matters is governed by Welfare and Institutions Code section 730.6, which provides: "(a) [] It is the intent of the Legislature that a victim of conduct for which a minor is found to be a person described in Section 602 who incurs any economic loss as a result of the minor's conduct shall receive restitution directly from that minor" in accordance with subdivision (h). Subdivision (h) states that restitution "shall be of a dollar amount sufficient to fully reimburse the victim or victims for all determined

economic losses *incurred as the result of the minor's conduct for which the minor was found to be a person described in Section 602*" (Italics added.)

The "conduct for which the minor was found to be a person described in Section 602" was his falsely identifying himself to a police officer. Because this conduct had nothing to do with the destruction of the electronic monitoring equipment, the evidence is insufficient to support a restitution order made pursuant to Welfare and Institutions Code section 730.6.¹

DISPOSITION

The order of the juvenile court ordering the minor and/or his mother to pay restitution is vacated.

SIMS, Acting P.J.

We concur:

NICHOLSON, J.

MORRISON, J.

¹ We offer no opinion regarding any remedy that may be available to the probation department for their loss. We hold simply that restitution is inappropriate in the absence of evidence sufficient to support the finding under Welfare and Institutions Code section 730.6.